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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

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OFFICE OF PETITIONS

In re Application of :
Bridon et al. :
Application No. 10/722,733 : DECISION ON RENEWED PETITION
Filing Date: November 25, 2003 : UNDER 37 C.F.R. § 1.78(a)(3)
Attorney Docket No.: 11767-055- :
999 :
Title: LONG LASTING SYNTHETIC :
GLUCAGON LIKE PEPTIDE (GLP-1) :

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.78(a)(3), filed August 3, 2010 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the Supplemental Application Data Sheet (ADS) filed concurrently with this renewed petition. This is also a decision on the petition pursuant to 37 C.F.R. § 1.182, requesting expedited handling of the aforementioned petition.

The petition pursuant to 37 C.F.R. § 1.182 is GRANTED. Receipt of the associated \$400 petition fee is acknowledged. The renewed petition pursuant to 37 C.F.R. § 1.78(a)(3) has been accorded expedited handling.

The renewed petition pursuant to 37 C.F.R. § 1.78(a)(3) is GRANTED.

An original petition pursuant to 37 C.F.R. § 1.182 was filed on June 30, 2008, and was dismissed via the mailing of a decision on September 2, 2008.

A renewed petition pursuant to 37 C.F.R. § 1.182 was filed on October 31, 2008, and was dismissed via the mailing of a decision on December 19, 2008.

A second renewed petition pursuant to 37 C.F.R. § 1.182 was filed on February 5, 2009, and was dismissed via the mailing of a decision on May 19, 2009.

A third renewed petition pursuant to 37 C.F.R. § 1.182 was filed on July 16, 2009, and was dismissed via the mailing of a decision on March 15, 2010.

An original petition pursuant to 37 C.F.R. § 1.78(a)(3) was filed on May 13, 2010, and was dismissed via the mailing of a decision on June 10, 2010.

A petition for acceptance of a claim for late priority under 37 C.F.R. § 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. 1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The decision on the original petition pursuant to 37 C.F.R. § 1.78(a)(3) acknowledged the submission of the \$1,410 surcharge, and indicated that requirements (2) and (3) above have been satisfied. The original petition failed to satisfy item (1) above, as the concurrently submitted supplemental Application Data Sheet (ADS) was not executed.

With this renewed petition pursuant to 37 C.F.R. § 1.78(a)(3), Petitioner has included both the proper statement of unintentional delay and a supplemental ADS that has been fully executed.

It follows that the third requirement of Rule 1.78(a)(3) has been satisfied.

All of the above requirements having been satisfied, the late claim for priority pursuant to 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of this petition to accept the delayed benefit claim to the prior-filed application pursuant to 37 C.F.R. § 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 C.F.R. §§ 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that Applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the Examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Petitioner has also submitted a second petition fee. Accordingly, since the \$ 1,410 double payment submitted with this renewed petition on August 3, 2010 is unnecessary, it will be credited to Deposit Account No. 50-3013 in due course.

Technology Center Art Unit 1648 will be made aware of this decision, so that the Examiner may consider Applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.¹


Chris Bottorff
Supervisor
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/722,733	11/25/2003	1648	385	11767-055-999	3	1

CONFIRMATION NO. 7359

CORRECTED FILING RECEIPT



OC000000043371254

Date Mailed: 09/09/2010

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Dominique P. Bridon, Ville Mont-Royal, CANADA;
Benoit L'Archeveque, Laval, CANADA;
Alan M. Ezrin, Moraga, CA;
Darren L. Holmes, Montreal, CANADA;
Anouk Leblanc, Montreal, CANADA;
Serge St. Pierre, Ile Bizard, CANADA;

Assignment For Published Patent Application

CONJUCHEM, INC., Montreal, CANADA

Power of Attorney: The patent practitioners associated with Customer Number 20583

Domestic Priority data as claimed by applicant

This application is a CON of 10/288,340 11/04/2002 PAT 6,887,849
which is a DIV of 09/657,332 09/07/2000 PAT 6,514,500
which claims benefit of 60/159,783 10/15/1999
This application 10/722,733
is a CIP of 09/623,548 09/05/2000 PAT 6,849,714
which is a 371 of PCT/US00/13576 05/17/2000
which claims benefit of 60/134,406 05/17/1999
and claims benefit of 60/159,783 10/15/1999
and claims benefit of 60/153,406 09/10/1999

Foreign Applications

If Required, Foreign Filing License Granted: 03/15/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/722,733**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Long lasting synthetic glucagon like peptide (GLP-1)

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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NOT GRANTED

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